

# Planning Report

Thursday, November 7, 2013

## Zoning Code Amendment

### Case Summary

Agenda Item	4
Case Number	13-104ADM
Proposal	To amend Chapter 153.044, Technology Flex (TF) District of the Dublin Code of Ordinances (Zoning Code) to permit commercial vehicle rental as a conditional use. Amendments are also proposed for Section 153.002, Use Definitions to add a use definition for "Truck and Van Rental Establishments." The request is reviewed under the provisions of Zoning Code Section 153.234.
Request	Review and recommendation of approval of a Zoning Code amendment under the provisions of Section 153.234.
Applicant	Bates Property Management; represented by Jack Reynolds, Smith & Hale.
Planning Contact	Steve Langworthy, Director.
Contact Information Planning	(614) 410-4600, <a href="mailto:slangworthy@dublin.oh.us">slangworthy@dublin.oh.us</a>
Recommendation	<b><i>Recommendation of approval to City Council.</i></b> The proposed modifications to the Zoning Code for the Technology Flex District are appropriate and provide for a use that is of value to Dublin's businesses and residents. Planning recommends that the Planning and Zoning Commission recommend approval of this amendment to City Council.

<b>Facts</b>		<b>Zoning Code Amendment</b>
Case Summary	This is a request by the applicants for review and recommendation of approval to City Council to amend portions of the Zoning Code to provide for a new use in the Technology Flex (TF) District for "Truck and Automobile Rentals and Leasing." Planning is proposing to modify the use to "Truck and Van Rental Establishments."	
Background	The Technology Flex (TF) District was established in 2010 to provide a greater range and variety of uses with more specific development requirements to facilitate business needs while preserving high standards of quality. The District is intended to provide a broader range of uses and more appropriate requirements to better retain growing companies and to attract businesses needing more cost-effective, flexible space with nearby highway access.	

<b>Details</b>		<b>Zoning Code Amendment</b>
Process	Code Section 153.232(B)(9) provides the Planning and Zoning Commission with "other powers and duties" which includes making recommendations to City Council for amendments to the Zoning Code. The Commission should review the modifications, provide input, and vote on the changes. The proposed amendment will be forwarded to City Council for its consideration. The following sections summarize the major components and considerations of each section of the zoning regulations proposed for the amendment.	
153.002 Definitions	Most uses provided for in the Technology Flex District have specific definitions, as contained in Section 153.002, (A) Uses Definitions. Given the range of potential interpretations for the proposed use, a new definition is necessary. The applicant did not propose a definition. Planning is proposing to modify the applicant's request to not permit automobile rentals but to limit rentals to trucks and commercial vans and Planning's proposed definition reflects this change.	
153.044 (B) District Uses	The applicant has requested this use for the TF District. This district is located predominately along the Shier Rings Road corridor from its terminus at I-270 to Avery Road. Other smaller areas are also in this district. The proposal further provides that the use be approved through a conditional use process, approved by the Planning and Zoning Commission.	
153.044 (C) Use Specific Standards	<p>As part of the TF regulations, each use may have individual "Use Specific Standards" that govern various aspects of the site and/or operations of a use. The applicant's standards propose that the rental use be limited to 40 vehicles, parked in a defined area, and landscaped according to Section 153.133 (except for uses proposed for existing parking areas - in that instance, only perimeter landscaping, as provided in Section 153.133 (A)(1) – (8) applies). Planning generally agrees with the intent of the applicant's proposed specific standards, but is recommending several modifications, as noted below.</p> <p>(a) The applicant has suggested a limit of 40 vehicles. Planning is recommending that the number of vehicles be tied to the size of the lot, leaving the maximum number of 40. Beginning with a minimum lot size of 20,000 square</p>	

Details	Zoning Code Amendment
	<p>feet, for every vehicle exceeding 10, an additional 1,500 square feet of lot area would be required. This would mean that once the use is approved at a specific lot area, the number of permitted vehicles, based on the lot size, could not be exceeded. Further, Planning proposes to limit vehicle size to 26 feet in length, to avoid the storing of larger vehicles, such as tractor trailers. To limit views from adjacent streets, this use would not be permitted on a lot bordering an arterial road or freeway.</p> <p>(b) As suggested by the applicant, the approved site plan must specifically designate the areas to be used for vehicle parking, but would allow vehicles to be “staged” in other areas as needed for customer pick up and drop off. Minor servicing would be permitted, but required to be indoors, except for vehicle washing or cleaning.</p> <p>(c) Rather than the landscaping provisions indicated by the applicant, the TF District has provisions for “outdoor storage” which requires landscaping in accordance with the provisions of Section 153.133 (C)(1). The Code provision requires screening of service structures based on the height of the stored materials, and could require screening of up to 12 feet. The amendment limits this height to six feet.</p>

Analysis	Zoning Code Amendment
Review Considerations	<p>The Zoning Code does not provide for specific review standards for Zoning Code text amendments. However, there are certain considerations that are appropriate when considering an application for these amendments. These are provided below, along with relevant analysis. The Commission is not limited to these considerations, and may choose to give each its own weight as part of the deliberations for a recommendation to City Council.</p>
<i>Intent and Purpose</i>	<p><i>Whether the amendment is consistent with the intent and purpose of this Chapter and the Community Plan.</i></p> <p><b>Guideline Met</b></p> <p>One of the objectives of the TF District was to have a district with a wider range of uses supporting development activities in the city. This use provides a service used by residents and businesses alike. With proper placement and development it is an appropriate use in this district.</p> <p>Although the applicant has proposed automobile rental to be included, Planning finds that the TF District was not intended for uses that cater to the general public, similar to a retail or personal service use. The TF District currently lists “Personal, Repair and Rental Services” as a Permitted use but specifically excludes vehicle rentals. Automobile rentals are provided for in the Community Commercial District.</p>

Analysis Zoning Code Amendment	
Error or Omission	<p><i>Whether the change is the result of an error or omission in the original text.</i></p> <p><b>Guideline Met.</b></p> <p>Given the age of the Code, it is difficult to know the considerations that first went into determining which uses would be addressed in the Code and in what districts they would be placed. The use of the antiquated system of industrial classifications complicates any discussion of uses within the Code, particularly given their degree of specificity which leaves out the ability to reasonably interpret the range of uses possible in the city. Given that circumstance, the TF District appears to be the most appropriate zoning district for this use.</p>
Area Effects	<p><i>The potential effects on areas that are most likely to be directly affected by the change.</i></p> <p><b>Guideline Met.</b></p> <p>The proposed amendment restricts the locations for this use, especially with respect to visibility from major roadways. In addition, the screening requirements provide additional protections with respect to effects on adjacent properties. The amendment only permits this use in the Technology Flex District, and adds a further layer of review by location through the conditional use requirement.</p>
Change of Conditions	<p><i>Any changes or enhancements in physical or economic conditions or development practices that justify the proposed change.</i></p> <p><b>Not Applicable</b></p>
Creation of Nonconformities	<p><i>Whether the change might result in the creation of significant nonconformities on properties in the city.</i></p> <p><b>Not Applicable</b></p>

Recommendation Approval	
Approval	<p>The proposed modifications to the Zoning Code for the Technology Flex District are appropriate and provide for a use that is of value to Dublin's businesses and residents. Planning recommends that the Planning and Zoning Commission recommend approval of this amendment to City Council.</p>